



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,598	02/14/2005	Tatsuo Itabashi	3712174.00425	8820
29175	7590	05/12/2010	EXAMINER	
K&L Gates LLP P. O. BOX 1135 CHICAGO, IL 60690			HARPER, ELIJAH STONE	
			ART UNIT	PAPER NUMBER
			2166	
			NOTIFICATION DATE	DELIVERY MODE
			05/12/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary	Application No. 10/524,598	Applicant(s) ITABASHI ET AL.	
	Examiner ELIYAH S. HARPER	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-50 and 54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-50 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on 1/29/2010 has been entered. Claim 53 has been cancelled. Claims 1-25, 51 and 52 have been previously cancelled. Claims 26-28, 30-36, 38-47, 49-50 and 54 have been amended. Accordingly, claims 26-50 and 54 are pending in this office action.

Claim Objections

Claims 38 and 47 objected to because of the following informalities: “information of an external apparatus which can communication with the mobile apparatus”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 26-27, 35, 38-41, 44-48, 54 are rejected under 35 U.S.C. 102(e) as being anticipated by US 20020151315 (hereinafter Hendrey).

As for claim 26 Hendrey discloses: a processor (See paragraph 0092)

Art Unit: 2166

a memory device which stores instructions (See paragraph 0092) which when executed by the processor cause the processor to search, in a local area external apparatus (See paragraph 0062) which can communicate with the mobile information processor, said external apparatus including identification information

b. collect said identification information from said external apparatus; (See paragraphs 0062, 0064)

c. acquire user information from a remote user information database based on said collected identification information (See paragraph 0092 note: the MPC obtains location data and publishes it to other machines, and See paragraph 108 noting that a location record is created when a MU reports); transmit to a service provider the acquired user information said service provider being configured to determine whether a communication service can be provided based on said transmitted user information and (See paragraph 0093 note: MU sends the request for services which ultimately end up at the application server, also see paragraph 0096 noting that the database server runs programs that receive request from MUs); e. in response to a determination that the communication service can be provided based on said transmitted user information and utilize said communication service (See paragraph 0062 note a query can yield zero results), (See paragraph 0094 note: system runs on within-distance querying).

As for claim 27 the rejection of claim 26 is incorporated and further Hendrey discloses: wherein when executed by the processor, the instructions cause the processor to receive the identification information of the external apparatus from a

Art Unit: 2166

space directory (See paragraph 0079), wherein said space directory (a) stores the identification information of the external apparatus (See paragraph 108), and (b) updates the identification information of external apparatus (See paragraph 0064).

As for claim 30 the rejection of claim 26 is incorporated and further Hendrey discloses: wherein when executed by the processor, the instructions cause the processor to periodically collect the identification information of the accessible external apparatus(See paragraph 0098)

As for claim 31 the rejection of claim 26 is incorporated and further Hendrey discloses: wherein when executed by the processor, the instructions cause the processor to; (a) communicate with a personal directory (PDR) which stores original data of the identification information of the external apparatus through a communication relay means included in the external apparatus (See paragraph 0096 note the database server stores personal information) , and (b) register the position of the mobile information processor in the personal directory (PDR) (See paragraph 0108).

As for claim 32 Hendrey discloses: a processor (See paragraph 0092) a memory device which stores instructions (See paragraph 0092) which when executed by the processor cause the processor to ; a .perform data communication with (i) a mobile information processor; and (ii) an external apparatus including identification information; b. collect said identification information (See paragraph 0062) c. acquire user

Art Unit: 2166

information of from a remote user information database based on said collected identification information (See paragraph 0092 note: the MPC obtains location data and publishes it to other machines, and See paragraph 108 noting that a location record is created when a MU reports); receive a service request from the mobile information processor (See paragraph 0093 note: MU sends the request for services which ultimately end up at the application server, also see paragraph 0096 noting that the database server runs programs that receive request from MUs);

f. determine whether said service request can be provided based on said acquired user information and in response to a determination that the service request can be provided based on said acquired user information provide said collected identification information to the mobile information processor (See paragraph 0094 note: system runs on within-distance querying, and See paragraph 0096 note the database server stores personal information).

As for claim 33 the rejection of claim 32 is incorporated and further Hendrey discloses: wherein when executed by the processor, the instructions cause the processor to register position information of the mobile information processor (See paragraph 0108).

As for claim 34 Hendrey discloses: a processor (See paragraph 0092) a memory device which stores instructions (See paragraph 0092) which when executed by the processor cause the processor to perform data communication with (i) a mobile

Art Unit: 2166

information processor; and (ii) an external apparatus including identification information (See paragraph 0062) b. acquire user information which is stored by a remote user information database said acquisition being based on said identification information (See paragraph 0092 note: the MPC obtains location data and publishes it to other machines, and See paragraph 108 noting that a location record is created when a MU reports); c. receive a service request from the external apparatus based on the acquired user information and (See paragraph 0093 note: MU sends the request for services which ultimately end up at the application server, also see paragraph 0096 noting that the database server runs programs that receive request from MUs); and Determine whether a communication service can be provided based on (i) said acquired user information and (ii) said identification information and e. in response to a determination that the communication service can be provided based on: (i) said acquired user information; and (ii) said identification information provide the communication service to the mobile processor (See paragraph 0094 note: system runs on within-distance querying, and See paragraph 0096 note the database server stores personal information).

As for claim 35 Hendrey discloses: wherein when executed by the processor, the instructions cause the processor to transmit the identification information to the mobile information processor (See paragraphs 0063, 0096).

As for claim 38 Hendrey discloses: (a) a first processor and (b) a first memory device storing instructions, which when executed by the first processor, cause the first processor to collect identification information of an external apparatus which can communicate with the mobile apparatus; a personal directory including (a) a second processor; and a second memory device storing instructions, which when executed by the second processor, cause the second processor to (i) perform data communication with (A) the mobile apparatus and (b) the external apparatus; (ii) acquire user information which is stored by a remote user information database, said acquisition being based on said identification information (See paragraphs 0020, 0072-0073); (iii) receive a service request from the mobile apparatus through a network based on the acquired user information (See paragraph ; 0093)and (iv) determine whether a communication service can be provided based on: (i) said acquired user information and (ii) said identification information and (v) in response to a determination that the communication service can be provided based on: (i) said acquired user information and (ii) said identification information provide the communication to the mobile apparatus (See paragraph 0062 note a query can yield zero results).

As for claim 39 the rejection of claim 38 is incorporated and further Hendrey discloses: a service provider, wherein the service provider provides a second communication service based on information obtained from the personal directory (See

Art Unit: 2166

paragraph 0096 note: the moving point server and database server provide different services).

As for claim 40 the rejection of claim 38 is incorporated and further Hendrey discloses: a space directory server which stores the identification information of the external apparatus s (See paragraph 0094);

As for claim 41 the rejection of claim 40 is incorporated and further Hendrey discloses: wherein the communication service providing process is performed through a service provider (See paragraph 0011)

As for claim 44 Hendrey discloses: (a) causing a processor to execute the instructions to search, in a local area, for an external apparatus including identification information a (See paragraph 0096) (b) causing the processor to execute instructions to collect said identification information of said external apparatus (See paragraph 0092) (c) causing the processor to execute the instructions to acquire user information from a remote user information database based on said collected identification information of the external apparatus (See paragraph 0092); and (d) causing the processor to execute the instructions to transmit to a service provider the acquired user information from the remote user information database said service provider being configured to determine whether a communication service can be provided based on said acquired user

Art Unit: 2166

information transmitted to said service provider; and (See paragraphs 0088-0089, 0094),

e. in response to a determination that the communication service can be provided based on said acquired user information transmitted to said service provider, causing the processor to execute the instructions to utilize said service communication service See paragraph 0096 note: database server contains attribute information, See paragraph 0062 note a query can yield zero results),

As for claim 45 the rejection of claim 44 is incorporated and further Hendrey discloses: obtain the identification information from a space directory server which stores the identification information (See paragraph 0094).

As for claim 46 the rejection of claim 44 is incorporated and further Hendrey discloses: transmitting the communication service request through the service provider (See paragraph 0011).

As for claim 47 Hendrey discloses:
Causing a mobile apparatus to collect identification information of an external apparatus which can communicate with the mobile apparatus in a local area (See paragraph 0096)
Causing a personal directory to: (i) perform data communication with (A) the mobile apparatus; and (B) the external apparatus (ii) acquire user information which is stored by a remote user information database said acquisition being based on said

Art Unit: 2166

identification information (See paragraph 0092); (iii) receive a service request from the mobile apparatus through a network based on the acquired user information , (iv) determine whether a communication service can be provided based on (i) said acquired user information and (ii) in response to a determination that the communication service can be provided based on (i) said acquired user informationl and (ii) said identification information, provide the communication through the external apparatus to the mobile apparatus (See paragraphs 0088-096);

As for claim 48 the rejection of claim 47 is incorporated and further Hendrey discloses: which includes receiving the service request through a service provider (See paragraph 0011).

As for claim 54, the rejection of claim 26 is incorporated and further Hendrey discloses: wherein said external apparatus includes an access point (See paragraph 0098).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 28-29 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrey as applied to claims 26 and 34 respectively above, and further in view of US 20030028585 (Yeager).

As for claim 28 the rejection of claim 26 is incorporated and further Hendrey discloses: wherein when executed by the processor, the instructions cause the processor to (a) receive the identification information of the external apparatus from a space directory (SDR) which stores the identification information of the external apparatus and (See paragraph 0092 note: the MPC obtains location data and publishes

Art Unit: 2166

it to other machines, and See paragraph 108 noting that a location record is created when a MU reports).

Hendrey does not disclose: (b) in response to a transmission challenge from the space directory, transmit encrypted data of the challenge created by its own secret key together with a public-key certificate to the space directory. Yeager however does disclose: in response to a transmission challenge from the space directory, transmit encrypted data of the challenge created by its own secret key together with a public-key certificate to the space directory (See paragraph 0118). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching of Yeager into the system of Hendrey. The modification would have been obvious because the two references are concerned with the solution to problem of data processing and communication, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan would have been motivated to combine the cited references since Yeager's teaching would enable user's of the Hendrey system to provide of a more efficient peer to peer model between connect user such as the cloud of Henry (See Henry paragraph 0063) Moreover Yeager is designed for use on mobile communications such as phones (See Yeager paragraph 0058).

As for claim 29 the rejection of claim 26 is incorporated and further Hendrey does not disclose wherein when executed by the processor, the instructions cause the processor to perform Bluetooth wireless communication. Yeager However does disclose: wherein when executed by the processor, the instructions cause the processor to perform Bluetooth wireless communication (See paragraph 0056).

As for claim 36 the rejection of claim 34 is incorporated and further Hendrey does not disclose wherein when executed by the processor, the instructions cause the processor to: before transmitting the identification information perform authentication processing by challenge response; (b). perform challenge transmission; and (c). receive encrypted data of the challenge transmission created by a secret key of the external apparatus and a public-key certificate as a response from the mobile information processor. Yeager however does disclose: wherein when executed by the processor, the instructions cause the processor to: before transmitting the identification information perform authentication processing by challenge response; (b) perform challenge transmission; (See paragraph 0018) and (c).receive encrypted data of the challenge transmission created by a secret key of the external apparatus and a public-key certificate as a response from the external apparatus (See paragraph 0018). It would have been obvious to an artisan of ordinary skill in the pertinent at the time the invention was made to have incorporated the teaching of Yeager into the system of Hendrey. The modification would have been obvious because the two references are concerned with the solution to problem of data processing and communication, therefore there is an

Art Unit: 2166

implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan would have been motivated to combine the cited references since Yeager's teaching would enable user's of the Hendrey system to provide of a more efficient peer to peer model between connect user such as the cloud of Henry (See Henry paragraph 0063) Moreover Yeager is designed for use on mobile communications such as phones (See Yeager paragraph 0058).

As for claim 37 the rejection of claim 34 is incorporated and further Hendrey does not disclose wherein when executed by the processor, the instructions cause the processor to perform Bluetooth wireless communication. Yeager however does disclose: wherein when executed by the processor, the instructions cause the processor to perform Bluetooth wireless communication (See paragraph 0056). It would have been obvious to an artisan of ordinary skill in the pertinent at the time the invention was made to have incorporated the teaching of Yeager into the system of Hendrey. The modification would have been obvious because the two references are concerned with the solution to problem of data processing and communication, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan would have been motivated to combine the cited references since Yeager's

Art Unit: 2166

teaching would enable user's of the Hendrey system to provide of a more efficient peer to peer model between connect user such as the cloud of Henry (See Henry paragraph 0063) Moreover Yeager is designed for use on mobile communications such as phones (See Yeager paragraph 0058).

Claims 42-43 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20020151315 (hereinafter Hendrey) in view of 20030028585 (Yeager).

As for claim 42 Hendrey discloses: causing a processor to execute the instructions to access a space directory which stores the identification information of an external apparatus; (c) (b) causing the processor to execute the instructions to receive the identification information of the external apparatus from the space directory (See paragraph 0092 note: the MPC obtains location data and publishes it to other machines); (d) (b) causing the processor to execute the instructions to acquire user information from a remote user information database based on said received identification information (See paragraph 108 noting that a location record is created when a MU reports); (b) causing the processor to execute the instructions to transmit to a service provider the acquired user information, said service provider based on said acquired user information transmitted to said service provider (See paragraphs 0088-0089, 0094); and in response to a determination that the communication service can be provided based on said acquired user information transmitted to said service provider utilize said communication service (See paragraph 0094 note: system runs on within-distance querying).

Hendrey does not disclose: (b) causing the processor to execute the instructions to transmit in response to a transmission challenge from the space

Art Unit: 2166

directory, encrypted data of the challenge created by its own secret key together with a public-key certificate to the space directory. Yeager however does disclose: (b) causing the processor to execute the instructions to transmit, in response to a transmission challenge from the space directory, encrypted data of the challenge created by its own secret key together with a public-key certificate to the space directory (See paragraph 0118). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching of Yeager into the system of Hendrey. The modification would have been obvious because the two references are concerned with the solution to problem of data processing and communication, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan would have been motivated to combine the cited references since Yeager's teaching would enable user's of the Hendrey system to provide of a more efficient peer to peer model between connect user such as the cloud of Henry (See Henry paragraph 0063) Moreover Yeager is designed for use on mobile communications such as phones (See Yeager paragraph 0058).

As for claim 43 the rejection of claim 42 is incorporated and further Hendrey discloses: communicate with a personal directory which stores original data of the identification information of external apparatus, so as to register position information of the mobile information processor in the personal directory (See paragraph 0092 note:

Art Unit: 2166

the MPC obtains location data and publishes it to other machines, and See paragraph 0096 noting) the moving point data base stores position while the database server stores original data).

As for claim 49 Hendrey discloses: causing a processor to execute the instructions to access a space directory which stores the identification information of an external apparatus; (c) (b) causing the processor to execute the instructions to receive the identification information of the external apparatus from the space directory (See paragraph 0092 note: the MPC obtains location data and publishes it to other machines); (d) (b) causing the processor to execute the instructions to acquire user information from a remote user information database based on said received identification information (See paragraph 108 noting that a location record is created when a MU reports); (b) causing the processor to execute the instructions to transmit to a service provider the acquired user information, said service provider based on said acquired user information transmitted to said service provider (See paragraphs 0088-0089, 0094); and in response to a determination that the communication service can be provided based on said acquired user information transmitted to said service provider utilize said communication service (See paragraph 0094 note: system runs on within-distance querying).

Hendrey does not disclose: (b) causing the processor to execute the instructions to transmit in response to a transmission challenge from the space

Art Unit: 2166

directory, encrypted data of the challenge created by its own secret key together with a public-key certificate to the space directory. Yeager however does disclose: (b) causing the processor to execute the instructions to transmit, in response to a transmission challenge from the space directory, encrypted data of the challenge created by its own secret key together with a public-key certificate to the space directory (See paragraph 0118). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching of Yeager into the system of Hendrey. The modification would have been obvious because the two references are concerned with the solution to problem of data processing and communication, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan would have been motivated to combine the cited references since Yeager's teaching would enable user's of the Hendrey system to provide of a more efficient peer to peer model between connect user such as the cloud of Henry (See Henry paragraph 0063) Moreover Yeager is designed for use on mobile communications such as phones (See Yeager paragraph 0058).

As for claim 50 Hendrey discloses: causing a processor to execute the instructions to access a space directory which stores the identification information of an external apparatus; (c) (b) causing the processor to execute the instructions to receive the identification information of the external apparatus from the space directory (See

Art Unit: 2166

paragraph 0092 note: the MPC obtains location data and publishes it to other machines); (d) (b) causing the processor to execute the instructions to acquire user information from a remote user information database based on said received identification information (See paragraph 108 noting that a location record is created when a MU reports); (b) causing the processor to execute the instructions to transmit to a service provider the acquired user information, said service provider based on said acquired user information transmitted to said service provider (See paragraphs 0088-0089, 0094); and in response to a determination that the communication service can be provided based on said acquired user information transmitted to said service provider utilize said communication service (See paragraph 0094 note: system runs on within-distance querying).

Hendrey does not disclose: (b) causing the processor to execute the instructions to transmit in response to a transmission challenge from the space directory, encrypted data of the challenge created by its own secret key together with a public-key certificate to the space directory. Yeager however does disclose: (b) causing the processor to execute the instructions to transmit, in response to a transmission challenge from the space directory, encrypted data of the challenge created by its own secret key together with a public-key certificate to the space directory (See paragraph 0118). It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching of Yeager into the system of Hendrey. The modification would have been obvious because the two

Art Unit: 2166

references are concerned with the solution to problem of data processing and communication, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made.

Consequently, the ordinary skilled artisan would have been motivated to combine the cited references since Yeager's teaching would enable user's of the Hendrey system to provide of a more efficient peer to peer model between connect user such as the cloud of Henry (See Henry paragraph 0063) Moreover Yeager is designed for use on mobile communications such as phones (See Yeager paragraph 0058).

Response to Arguments

Applicant's arguments filed 1/29/2010 have been fully considered but they are not persuasive.

Applicant argues:

If the Office Action interprets the application server of Hendrey as the service provider of Claim 26, Applicant submits that the application server of Hendrey does not determine whether a communication service can be provided based on transmitted user information which was acquired from a remote user information database based on collected identification information. The application server of Hendrey merely obtains and processes data from one or more Mobile Positioning Centers (See Hendrey, paragraph [0092]). On the other hand, the mobile information processor of Claim 26 includes, among other elements, "a memory device which stores instructions, which when executed by the processor, cause the processor to... (d) transmit, to a service provider, the acquired user information, said service provider being configured to determine whether a communication service can be provided based on said transmitted user information; and (e) in response to a determination that the communication service can be provided based on said transmitted user information, utilize said communication service."

Examiner responds:

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims-

Art Unit: 2166

Broadest Reasonable Interpretation: During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.'

Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). In this case Hendrey discloses: a Mobile Positioning Center (See paragraph 0092) the MPC acquires information from mobile units and this information is transmitted to the application server. The claim limitation (d) transmit, to a service provider, the acquired user information, said service provider being configured to determine whether a communication service can be provided based on said transmitted user information broadly states that the service provide makes a determination as to whether service can be provided based on the transmitted user information Hendrey does just this (See paragraph 0008) as the services that can be rendered are going to be limited to the location of the mobile unit.

Applicant argues:

If the Office Action interprets: (a) the database server of Hendrey as the service provider of Claim 26; and (b) the attribute data of Hendrey as the user information of Claim 26, Applicant submits that the application server of Hendrey does not determine whether a communication service can be provided based on transmitted user information which was acquired from a remote user information database based on collected identification information. The database server of stores the attribute data.

Art Unit: 2166

(See Hendrey, paragraph [0096]). This attribute data of Hendrey was not acquired from a remote user information database based on collected identification information of an external apparatus. Additionally, the database server of Hendrey does not determine whether a communication service can be provided based on transmitted user information which was acquired from a remote user information database based on collected identification information. Rather, the database server of Hendrey merely runs "applications that receive data from MUs making requests for data stored in the database server 101 and the moving point server 105." (See Hendrey, paragraph [0096]). On the other hand, the mobile information processor of Claim 26 includes, among other elements, "a memory device which stores instructions, which when executed by the processor, cause the processor to . . . (d) transmit, to a service provider, the acquired user information, said service provider being configured to determine whether a communication service can be provided based on said

Examiner responds:

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims- Broadest Reasonable Interpretation: During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be

Art Unit: 2166

interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). In this case Hendrey discloses: a Mobile Positioning Center (See paragraph 0092) the MPC acquires information from mobile units and this information is transmitted to the application server. The claim limitation (d) transmit, to a service provider, the acquired user information, said service provider being configured to determine whether a communication service can be provided based on said transmitted user information broadly states that the service provide makes a determination as to whether service can be provided based on the transmitted user information Hendrey does just this (See paragraph 0008) as the services that can be rendered are going to be limited to the location of the mobile unit.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ELIYAH S. HARPER** whose telephone number is (571)272-0759. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2166

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ESH
Eliyah S. Harper
May 5, 2010

/Khanh B. Pham/

Primary Examiner, Art Unit 2166